

REMARKS

The Office Action mailed September 1, 2006 has been carefully considered.
Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-8 were rejected under 35 U.S.C. § 102(e) as anticipated by Patrik Eriksson (U.S. pat. no. 6,570,929).

Claims 9-11 were rejected under 35 U.S.C. § 102(b) as anticipated by Ramin Borazjani (U.S. pat. no. 5,825,829).

Claims 12 and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by Gene L. Cangiani (U.S. pat. no. 6,335,951).

Claims 1, 5, 9, 12 and 13, from which the remaining claims depend, have been amended to recite a multiplexer from which the plurality of modulator circuits receive the channel streams. None of the applied art, considered singularly or in combination, discloses or suggests these features. While Borzjani et al. discloses a multiplexer 112, it is provided in a different and complex arrangement from that claimed and is accompanied by various complicating circuits, including a demultiplexer 118, both of which serve different functions than those claimed. It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Eriksson, Borazjani, and/or Cangiani, is respectfully urged.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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